

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PRINCE BRELAND, et al.,

Plaintiffs,

-against-

08 Civ. 6120 (LAK)

GEOFFREY ZAKARIAN, et al.,

Defendants.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

Defendants' cross-motion to dismiss plaintiffs' third cause of action [docket item 55] is granted, substantially for the reasons set forth in defendants' memoranda of law in support of the cross motion. Among other things, (1) the importation of the New York Labor Law standard for the timing of wage payments into the federal Fair Labor Standards Act would run counter to the Act's goal of establishing a uniform national standard, *see, e.g., Barrentine v. Arkansas-Best Freight Sys., Inc.*, 450 U.S. 728, 741 (1981), and (2) the suggestion that the parties implicitly contracted for payment in accordance with the Labor Law would not benefit plaintiffs in light of *Rogers v. City of Troy*, 148 F.3d 52 (2d Cir. 1998).

SO ORDERED.

Dated: June 30, 2009



Lewis A. Kaplan
United States District Judge

